IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10821 OF 2004

Niwara Estates Pvt Ltd. : Petitioner
V/s.
Deputy Registrar, Co-operative Societies,
Nashik Taluka, Nashik & Ors. : Respondents

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Mr. G.S. Godbole for the petitioner.

None present for the respondents.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

February 4, 2005.

P.C.:

1. The petitioner has availed of a loan facility to the tune of Rs.2.20 crores from respondent No.2-Bank to which respondent Nos.3 to 5 stood as guarantors. Admittedly, the amount was not paid and and the Bank has taken possession of the mortgaged property. Respondent No.2-Bank initiated proceedings for recovery before Respondent No.1, Deputy Registrar, Co-operative Societies. The petitioner challenged the jurisdiction in view of the introduction of the Recovery of Debts Due to Banks and Financial

Institutions Act, 1993. Respondent no.1 issued a Recovery Certificate for an amount of Rs.2,01,90,245/-. The petitioner has challenged the Recovery Certificate before respondent No.6 by way of revision which came to be rejected for non-payment of 50% of the amount. The amount is admittedly due and payable by the petitioner.

2. In the peculiar facts and circumstances of the case, we would not like to interfere in our extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India. The Writ Petition being totally devoid of any merit is, accordingly, dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.